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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application of Herz et al.

Docket No.: 6099/008

Serial No.: 09/024,278

Examiner: Unknown

Filed: February 17, 1998

Group Art Unit: 2711

For: **BROADCAST DATA DISTRIBUTION
SYSTEM WITH ASYMMETRIC
UPLINK/DOWNLINK BANDWIDTHS**

CERTIFICATE OF MAILING (37 CFR 1.8)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Attn: Box Missing Parts, Assistant Commissioner for Patents and Trademarks, Washington, DC 20231.

8 JUL 1998
Date

James M. Graziano
James M. Graziano

RESPONSE TO NOTICE TO FILE MISSING PARTS

Attn: Box Missing Parts
The Assistant Commissioner For Patents
Washington, DC 20231.

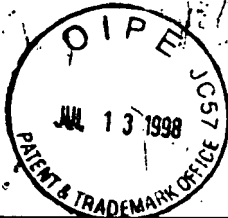
Dear Sir:

In response to the Notice To File Missing Parts Of Application dated April 20, 1998, Filing Date Granted (a copy of which is enclosed), the executed Declaration is enclosed, along with executed Verified Statement Claiming Small Entity Status. Also enclosed please find check No. 5253 In the amount of \$65.00 covering the Surcharge for a Small Entity filing of Missing Parts.

No fees beyond the above referenced surcharge are believed due. However, if further fees are due in this matter, the Commissioner is authorized to charge deposit account 04-1697.

Respectfully submitted,
DUFT, GRAZIANO & FOREST, P.C.

By: James M. Graziano
James M. Graziano
1790 - 30th Street, Suite 140
Boulder, Colorado 80301
(303) 449-9497



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/024,278. 02/17/98 HERZ F 6099/008

0372/0420

JAMES M GRAZIANO
DUFT, GRAZIANO & FOREST
1790 30TH STREET SUITE 140
BOULDER CO 80301-1013

NOT ASSIGNED

2711

DATE MAILED:

04/20/98

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

4/20/98

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 130.

☐ 1. The statutory basic filing fee is:

- ☐ missing.
- ☒ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.

\$ _____ for _____ independent claims over 3.

\$ _____ for _____ dependent claims over 20.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☐ is missing or unexecuted.
- ☐ does not cover the newly submitted items.
- ☐ does not identify the application to which it applies.
- ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center

Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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